

EXHIBIT 1

CIVIL SUMMONS
STATE OF TENNESSEE, COUNTY OF KNOX

To Any Lawful Officer to Execute and Return: Summon Ray A McBryar, To appear before the General Sessions Court of Knox County, Tennessee at P.O. Box 379, Knoxville TN 37901, on the April 19, 2010 at 9:00:22 AM, then and there to answer in a civil action brought by MIDLAND FUNDING LLC

For That Defendant is indebted to the Plaintiff as shown on the attached Exhibit "A". Said obligation is past due and the Defendant owes Plaintiff \$3,148.00, with interest thereon at the rate of 10% per annum from December 22, 2008 until date of Judgment then with post judgment interest as provided by law until paid in full.

WHEREFORE, Plaintiff demands judgment against the Defendant for the sums, plus interest, set forth above and court costs.

Under \$ 15,000.00

JUDGMENT

Judgment for _____ against _____ for \$ _____
Plus interest at the rate of _____ % and cost of suit, for which execution may issue.

Judgment entered by: Default ☐ Agreement ☐ Trial ☐

Dismissed: Without Prejudice ☐ With Prejudice ☐

Cost taxed to: Plaintiff ☐ Defendant ☐

Defendant(s) Ray A McBryar and in Court and admitted to jurisdiction of Court. This the _____ day of _____, 20____.

Judge, Div. _____

ORDER

This the _____ day of _____, 20____.

Judge, Div. _____

DOCKET NUMBER 6946356 KCPS

MIDLAND FUNDING LLC, as assignee of
"BANK OF AMERICA, N.A."

vs. **Plaintiff**

Ray A McBryar

NOV 23 AM 09

CIVIL WARRANT

Defendants

Court of General Sessions
By Catherine F. Quist, Clerk
Deputy Clerk

Issued Nov 23, 2009

Set for April 19, 2010 at 9:00:22 AM
Reset for _____

Served upon: All Named Defendants
All Defendants Except: _____

Served 11 DEC, 2009

Served by: David H. Harts
Sheriff/Constable (Process Server)

Attorney for Plaintiff: Shon Leverett
Telephone: 502-560-6700
Attorney for Defendant: _____
Telephone: _____

NOTICE

TO THE DEFENDANT(S):

Tennessee law provides a four thousand dollar (\$4,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand Your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

AFFIDAVIT

To the best of my information and belief, after investigation of Defendant's employment, I hereby make affidavit that the Defendant is/is not a member of a military service.

ATTORNEY FOR PLAINTIFF OR PLAINTIFF

SWORN TO AND SUBSCRIBED BEFORE ME

This 3 day of November, 2009.

Notary Public

My term expires: July 1, 2013

APPEAL

From the judgment on the reverse hereof, the _____
prayed an appeal.

To the Circuit Court which is granted upon Pauper's Oath or Appeal Bond.

This _____ day of _____,

20____.

Judge of the Court of General Sessions

Division No _____

State of TENNESSEE

MIDLAND FUNDING LLC,

Plaintiff,

-vs-

AFFIDAVIT OF BERNICE THELL

Ray A McBryar,

Defendant(s).

Bernice Thell, whose business address is 16 Mcleland Rd Suite 101, St. Cloud, MN 56303, certifies and says:

1. I am employed as a Specialist and am a custodian of records for Midland Credit Management, Inc. ("MCM"), servicer of this account on behalf of plaintiff. I am a competent person over eighteen years of age, and make the statements herein based upon personal knowledge of the recordkeeping systems maintained on plaintiff's behalf. Plaintiff is the current owner of, and/or successor to, the obligation sued upon, and was assigned all the rights, title and interest to defendant's BANK OF AMERICA, N.A. account

(MCM Number 8530000076) (hereinafter "the account"). I have possession of the books and records pertaining to the account and am authorized to make this affidavit on plaintiff's behalf.

2. I am familiar with the manner and method by which MCM creates and maintains its normal business books and records. The records are kept in the regular course of business. It was in the regular course of business for a person with knowledge of the act or event recorded to make the record or data compilation, or for a person with knowledge to transmit information thereof to be included in such record. The record or compilation was made at or near the time of the act or event, or reasonably soon thereafter. The relevant financial information concerning the account includes the following:

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3. The account shows that the defendant(s) owe(s) a balance of \$3148.00; and such balance will continue to accrue interest at the rate set forth in the cardholder agreement/ original contract and/or as required by law.
4. MCM's business records do not indicate that the defendant is an infant or an incompetent person.

I certify under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge.

Date SEP 01 2009

Bernice Thell
Bernice Thell

STATE OF MINNESOTA

COUNTY OF STEARNS

Signed and sworn to (or affirmed) before on SEP 01 2009 by Bernice Thell.



Elizabeth Ann Neu
Notary Public

My commission expires: _____

KY128
Morgan & Pottinger, P.S.C.

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